



Public Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System

IN THE MATTER OF the Investigation into the Treatment, Experience and Outcome in the Child Protection System of KIRBY MISTENAPEO (deceased April 20, 2016)

ORDER

WHEREAS pursuant to the Application of Sebastian Piwas, Mary Theresa Piwas and Mary Georgette Mistenapeo (the “**Applicants**”), grandparents and mother of **Kirby Mistenapeo** (“**Kirby**”), born December 6, 1998, the Commissioners of the Inquiry Respecting the Treatment, Experiences and Outcomes of Innu in the Child Protection System (the “**Inquiry**”) ordered an Investigation (the “**Investigation**”) pursuant to s. 4(2) of the Inquiry’s Terms of Reference (Order-in-Council 2022-103);

AND WHEREAS the Investigation is conducted with the consent of the Applicants and they may withdraw their consent at any time, terminating the Investigation.

AND WHEREAS Counsel for the Applicants and Inquiry Counsel have conferred together and consulted with Counsel for Parties with General Standing;

AND WHEREAS it is anticipated that the Investigation proceedings will be a facilitated circle process;

AND WHEREAS it is anticipated that the Inquiry will issue a final Order setting out the particulars of the proceeding, and that Parties with standing will have an opportunity to provide their input;

IT IS HEREBY ORDERED THAT the Inquiry shall investigate the following:

- i. What options – including alternatives to CSSD intervention – were available for Kirby’s treatment/care;
- ii. How did CSSD analyze and select the out-of-province treatment/care programs for Kirby;
- iii. Did Kirby receive sufficient treatment/care (including treatment/care related to substance use and mental health), education, and support while in the custody of the Manager;

- iv. Was Kirby harmed by the Parent/Therapist and/or any other employee during his out-of-province placement, and if so, was this harm appropriately addressed;
- v. Were there sufficient cultural, family, language supports, and community connections for Kirby while in custody of the Manager;
- vi. Was the communication between CSSD and other service providers and the Applicants sufficient (including but not limited to updates on Kirby, medication, accessing services at a treatment centre, and rescheduling of appointments);
- vii. Kirby's diagnosis for, prescription of, and use of medication while in care or custody and exiting care, including the reasons for the use of medication and related concerns;
- viii. Assessments and diagnosis of Kirby's cognitive function and impacts on Kirby's care needs;
- ix. Were reintegration planning and supports sufficient for Kirby and his family when exiting custody of the Manager (following discharge from out-of-province placements)? Was there sufficient continuing support for Kirby while he was living in community? If so, was the support offered on reasonable terms;
- x. Why did CSSD abandon its application for continuous custody; and
- xi. What options were available to Kirby for services and support as a youth who had been in care, and were they sufficient.

IT IS FURTHER ORDERED THAT evidence in respect of the investigation may be collected through an investigative process consisting of interviews, affidavits and interrogatories, resulting in a report to Commissioners.

IT IS FURTHER ORDERED THAT Parties are expected to identify to Inquiry Counsel any factual issues or disputes at an early stage and as soon as they are known to the Party.

IT IS FURTHER ORDERED THAT Inquiry Counsel prepare a statement of facts.

DATED this 5th day of February, 2025.



The Hon. James Igloliorte
Commissioner



Ms. Anastasia Qupee
Commissioner



Dr. Michael Devine
Commissioner